

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE:

CASE NO. 15-13490

ANTHONY FIELDS
ALICIA FIELDS

CHAPTER 13

JUDGE JEFFERY HOPKINS

Debtor(s)

MOTION TO MODIFY PLAN POST CONFIRMATION AND NOTICE

The Debtors hereby move the Court for an Order to modify the Chapter 13 Plan. Support for the motion is set forth in the following memorandum.

MEMORANDUM IN SUPPORT

1. The Chapter 13 Plan was confirmed on November 17, 2015.
2. According to Form B22C, Debtors are below median income.
3. Date Petition filed: 9/10/15 Date of last modification: 6/22/16 doc. 41
4. Date plan confirmed: 11/17/15 Date last modification confirmed: 7/19/16 doc. 43
5. Per LBR 3015-2(b)(3) Dates of other modifications: N/A
6. Length of Plan (months): Current: 60+ Proposed: 60
7. Monthly Plan Payments: Current: \$1,095.00 Proposed: \$1,195.00
8. Percent to Unsecured Creditors: Current: 1% Proposed: 1%

If the Plan proposes to lower the plan percentage to unsecured creditors, Debtors certify that the new plan percentage is consistent with: N/A

Below Median Income and provides 36 months of funding.

9. Amended Schedules I and J based upon current income are attached.
10. A modification is warranted to address Debtors' approval for a trial loan modification. Debtors have been approved for a trial loan modification beginning October 1, 2019.

Prior to the trial loan modification approval, Debtors case was extending 60 months because their prior loan modification agreement entered in 2014 was a five year agreement with a reduced monthly mortgage payment and interest rate. The agreement ended June 2019. A

notice of mortgage payment change was filed on June 6, 2016 (Doc. 51) increasing the mortgage payment to \$1,350.65 at 9.300%. This resulted in the case exceeding 60 months.

The trial loan modification will allow for Debtors to be approved for a permanent loan modification and remain in the Ch. 13 case and complete timely. The Trustee is to continue disbursing on the mortgage during the trial loan period.

The proposed plan payment will allow for compliance of the case. An additional modification will be filed upon approval for the permanent loan modification outlining the new terms of the loan. Amended Schedules I & J are attached. Amended Payroll deduction will be filed.

The Trustee is to disburse first trial loan modified payment of \$1,012.80 to Caliber Home on or before October 1, 2019

Attached is a list of the affected Creditors, applicable plan paragraphs affected and proposed new plan treatment.

WHEREFORE, Debtors move the Court to modify Debtor's Chapter 13 plan as set forth herein.

Respectfully submitted,

/s/ Kathleen D. Mezher
Kathleen D. Mezher #0016982
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NOTICE

Counsel for Debtor has filed papers with the Court for a Motion to Modify the Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy.

If you do not want the Court to order the Motion to Modify the Plan, or if you want the Court to consider your views on the motion, then you or your attorney must file a response no later than September 24, 2019:

File with the Court a written request for a hearing and response explaining your position at:

Clerk of the US Bankruptcy Court
Atrium Two, Suite 800
221 E. Fourth St.
Cincinnati, Ohio 45202

If you mail your request/response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Kathleen D. Mezher
8075 Beechmont Avenue
Cincinnati, Ohio 45255

Margaret A. Burks
600 Vine Street, Suite 2200
Cincinnati, Ohio 45202

Office of the U.S. Trustee
550 Main St., Suite 4-812
Cincinnati, Ohio 45202

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ KATHLEEN D. MEZHER
Kathleen D. Mezher #0016982
Attorney for Debtors

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on September 10, 2019 addressed to:

Anthony & Alicia Fields, 13037 Brannon Rd., Bethel, Oh 45106-9623

(See attached Mailing Matrix)

/s/ Kathleen D. Mezher
Kathleen D. Mezher #0016982